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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 14-0153 CRB
)	
Plaintiff,)	PROPOSED DETENTION ORDER
)	
v.)	
)	Date: April 11, 2014
BILLY SHANE BANNING,)	Time: 9:30 a.m.
)	
Defendant.)	

On April 11, 2014, the parties appeared before the Court for a detention hearing. Mr. Banning was represented by Mr. Douglas Rappaport. The government was represented by Special Assistant United States Attorney Marc Wolf. After reviewing the pretrial services report and hearing the proffer of the parties, the Court found that the government had demonstrated by a preponderance of evidence that Mr. Banning posed a risk of non-appearance and that, by clear and convincing evidence, Mr. Banning posed a danger to the community. The following facts were particularly important in the Court's determination.

As to risk of flight, the Court notes that Mr. Banning's record reflects at least six failures to appear on other matters, one of them a felony. The record also shows that Mr. Banning has violated probation on several occasions and that while on probation he absconded from supervision in both 2011

1 and 2013.

2 As to risk of danger, the Court notes that Mr. Banning is charged with the possession of not one
3 but several firearms of differing makes and models. In addition to those weapons named in the
4 Indictment, there appears, based upon government proffer, to have been a cache of firearms, several
5 thousand rounds of ammunition, gun powder, fireworks, ball bearings and other material that could
6 possibly be used to manufacture explosives. The number of weapons and ammunition suggest this was
7 more than a casual hobby for Mr. Banning. The Court finds the presence of four bullet-proof vests and a
8 silencer very troubling. These items raise real concerns about Mr. Banning's intentions.

9 Based on these facts and others discussed on April 11, 2014, the Court finds that no combination
10 of conditions of release could assure the defendant's appearance as required or assure the safety of the
11 community. Mr. Banning is hereby ordered detained during the pendency of this matter. He shall
12 committed to the custody of the Attorney General for confinement in a corrections facility separate, to
13 the extent practicable, from persons awaiting or serving sentence or being held in custody pending
14 appeal. Mr. Banning shall be afforded reasonable opportunity for consultation with private counsel and,
15 on order of a Court of the United States, Mr. Banning shall be delivered to a United States Marshal for
16 the purpose of an appearance in connection with a court proceeding.

17 This order supplements and memorializes the Court's findings and order issued on April 11,
18 2014 and serves to satisfy the requirements of 18 U.S.C. § 3142(i).

19 SO ORDERED.

20
21 DATED: April ²¹~~16~~, 2014.

